

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

BRANDON MARQUARDT,

Plaintiff,

vs.

JESSICA CONELL and ROEY  
PFISTER,

Defendants.

CV 20–14–H–DLC–JTJ

ORDER

Before the Court is United States Magistrate Judge John T. Johnston’s Findings and Recommendations. (Doc. 15.) Judge Johnston recommends that Mr. Marquardt’s complaint (Doc. 1) be dismissed without prejudice on the basis that his designated mailing address is undeliverable and he has failed to file a Notice of Change of Address. (*Id.*) Mr. Marquardt has not filed any objections.

A party is only entitled to de novo review of those findings to which he or she specifically objects. 28 U.S.C. § 636(b)(1)(C). In the absence of an objection, this Court reviews findings for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error review is “significantly deferential” and exists when the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v.*

*Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error, the Court finds none.

On February 27, 2020, Mr. Marquardt commenced this action by filing his complaint. (Doc. 2.) At this time, Mr. Marquardt was incarcerated within the Montana State Prison. (Doc. 1 at 1.) On August 14, 2020, mail sent to Mr. Marquardt was returned as undeliverable. (Doc. 14.) Over 90 days later, Mr. Marquardt has not filed a Notice of Change of Address with the Court, as required by this Court's Local Rules. L.R. 5.3(a). Dismissal is authorized under these circumstances. *Id.* 5.3(b).

Accordingly, IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 15) is ADOPTED in full.

IT IS FURTHER ORDERED that Mr. Marquardt's complaint (Doc. 1) is DISMISSED without prejudice.

The Clerk of Court is directed to close the case file.

DATED this 24th day of November, 2020.



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Dana L. Christensen, District Judge  
United States District Court